

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

BARRY LEE HOYT

PLAINTIFF

v. Civil No. 06-5115

DR. NEIL MULLINS;
NURSE SUE McDONALD; and
CAPTAIN HUNTER PETRAY

DEFENDANTS

O R D E R

Now on this 12th day of September, 2007, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #18), to which no objections have been made, and the Court, having carefully reviewed said Report And Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is **adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, plaintiff's Complaint will be construed as asserting claims against defendants only in their individual capacities, **Defendants' Motion For Summary Judgment** is **granted**, and this case is **dismissed with prejudice**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE